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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,257	01/14/2004	James L. Kroening	P1934US00	4390
24333	7590	12/24/2008		
GATEWAY, INC. ATTN: Patent Attorney 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER	
			IWARE, OLUSEYE	
			ART UNIT	PAPER NUMBER
			3687	
			MAIL DATE	DELIVERY MODE
			12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,257

Applicant(s)

KROENING, JAMES L.

Examiner

OLUSEYE IWARERE

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 7-14 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 15-30 and 39-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 and 31-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the correspondence sent on September 25, 2008. Amendments to the claims entered and considered below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 7 – 14 and 31 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu (2004/0061715) in view of Spagna (2002/0002468).**

As per claim 7, Chu discloses a method of operating an image delivery system having a storage device, the method comprising:

generating a bill of materials associated with a target computer system from an order entry portion of the image delivery system (abstract; discusses generating a bill of materials),

dividing the bill of materials into an essential portion and a non-essential portion, the essential portion including any hardware components or software components having an impact on generation of a disk image for the target computer system (abstract

discusses organizing parts in a hierarchy from least/lowest replicable/reparable component which is construed as organizing by being essential),

sorting the essential portion of the bill of materials into alphanumeric order to produce a sorted essential portion of the bill of materials (fig. 25 depicts sorting the hierarchical parts of the bill of materials in order),

However, Chu fails to explicitly disclose, performing a key generating function on the sorted essential portion of the bill of materials to generate a unique key identifying the disk image for the target computer system, and using the generated key to determine if the disk image exists on the storage device.

Spagna teaches a method and system for securing local database file of local content stored on end-user system with the features of

performing a key generating function on the sorted essential portion of the bill of materials to generate a unique key identifying the disk image for the target computer system, ([0229] discusses creating a key of the bill of materials content); and

using the generated key to determine if the disk image exists on the storage device ([0229] discusses using the key to validate the completeness of all parts).

From this teaching of Spagna, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chu to include the key generating function and determination of software configuration taught by Spagna, in order to provide validation.

As per claims 9 and 33, Chu discloses the claimed invention but fails to explicitly disclose wherein the key generating function includes a 128-bit hash algorithm.

Spagna teaches a method and system for securing local database file of local content stored on end-user system wherein the key generating function includes a 128-bit hash algorithm ([0122] discusses a hash algorithm).

From this teaching of Spagna, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chu to include the hash algorithm, taught by Spagna, in order to provide encryption means.

As per claims 10 and 34, Chu discloses the claimed invention but fails to explicitly disclose wherein the key generating function includes a 128-bit hash algorithm.

Spagna teaches a method and system for securing local database file of local content stored on end-user system wherein the key generating function includes a 128-bit hash algorithm ([0122] discusses a hash algorithm).

From this teaching of Spagna, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chu to include the hash algorithm, taught by Spagna, in order to provide encryption means.

As per claims 11 and 35, Chu discloses wherein the essential portion of the bill of materials includes software-related components ([0043]; discuss software-related components).

As per claims 12 and 36, Chu discloses wherein the essential portion of the bill of materials includes software-related components ([0043]; discuss software-related components).

As per claims 13 and 37, Chu discloses wherein the at least essential portion of the bill of materials is sorted into ascending alphanumeric sequence (fig. 25 depicts ascending sequence).

As per claims 14 and 38, Chu discloses wherein the at least essential portion of the bill of materials is sorted into ascending alphanumeric sequence (fig. 25 depicts ascending sequence).

As per claim 31, Chu discloses a computerized system for identifying a software configuration for image delivery, the computerized system comprising:

a storage device;

a processor (fig. 3A depicts a processor),

a computer readable medium capable of being read by the processor, and a plurality of computer instructions on the computer readable medium, the plurality of computer instructions executable by the processor, the plurality of computer instructions for causing the processor to:

generate a bill of materials associated with a target computer system from an order entry portion of the image delivery system (col. 11, lines 19 – 23; discusses generating a bill of materials),

divide the bill of materials into an essential portion and a non-essential sort at least the essential portion of the bill of materials into alphanumeric order (fig. 2 depicts a partition table with divides the bill of materials),

the essential portion including any hardware components or software components having an impact on generation of a disk image for the target computer system.

sort the essential portion of the bill of materials into alphanumeric order to produce a sorted essential portion of the bill of materials (col. 6, lines 19 – 38; discusses cataloguing component parts in a database),

However, Chu fails to explicitly disclose, performing a key generating function on the sorted essential portion of the bill of materials to generate a unique key identifying the disk image for the target computer system, and using the generated key to determine if the disk image exists on the storage device.

Spagna teaches a method and system for securing local database file of local content stored on end-user system with the features of

performing a key generating function on the sorted essential portion of the bill of materials to generate a unique key identifying the disk image for the target computer system, ([0229] discusses creating a key of the bill of materials content); and

using the generated key to determine if the disk image exists on the storage device ([0229] discusses using the key to validate the completeness of all parts).

From this teaching of Spagna, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chu to include the key generating function and determination of software configuration taught by Spagna, in order to provide validation.

4. Claims 8 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu (2004/0061715) and (2002/0002468) further in view of Nguyen (6,202,070).

As per claims 8 and 32, Chu and Spagna disclose the claimed invention but fail to explicitly disclose, transferring the disk image to the target computer system if the disk image exists on the storage device, and generating a new disk image corresponding to a software configuration of the target computer system if the disk image does not exist on the storage device.

Nguyen teaches a computer manufacturing system architecture comprising the steps of:

transferring the disk image to the target computer system if the disk image exists on the storage device (col. 1, lines 28 – 40; discuss transferring the image), and

generating a new disk image corresponding to a software configuration of the target computer system if the disk image does not exist on the storage device (col. 5,

lines 38 – 46; discusses generating new images associated with software configuration).

From this teaching of Nguyen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chu and Spagna to include the disk image, taught by Nguyen, in order to provide verification.

Response to Arguments

5. Applicant's arguments with respect to claims 7 – 14 and 31 – 38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

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